

REDD+

THE CARBON MARKET AND CALIFORNIA-ACRE-CHIAPAS COOPERATION:

LEGALIZING MECHANISMS OF DISPOSSESSION



**Friends of
the Earth
International**

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Mobilize resist transform



The house where Chico Mendes lived in 1988 in Xapuri, Acre, Brazil.

Photo: Amigos da Terra Brasil



Friends of the Earth International is the world's largest grassroots environmental network with 75 member groups and over two million members and supporters around the world.

OUR VISION

Is of a peaceful and sustainable world based on societies living in harmony with nature. We envision a society of interdependent people living in dignity, wholeness and fulfilment in which equity and human and peoples' rights are realized. This will be a society built upon peoples' sovereignty and participation. It will be founded on social, economic, gender and environmental justice and be free from all forms of domination and exploitation, such as neoliberalism, corporate globalization, neo-colonialism and militarism. We believe that our children's future will be better because of what we do.

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1 INTRODUCTION

Since the signing of the Kyoto Protocol, the supplementary treaty to the United Nations Framework Convention on Climate Change (UNFCCC), in 1997, the carbon market has been promoted as one of the main instruments for dealing with climate change. The possibility of one party buying the right to produce carbon emissions above the limit set by the UNFCCC from another party whose emissions are below this limit has proven incapable of reducing emissions and has resulted in environmental conflicts. Though questioned and delegitimized, "cap-and-trade" programs and the Clean Development Mechanism (CDM) have established the carbon trading and offset approach to emissions and led to the creation of initiatives such as Reducing Emissions from Deforestation and Forest Degradation (REDD+¹), a payment for environmental services (PES) scheme. Thus, the idea by which policies and thought on the environment, climate, and biodiversity must continue to be dominated by the mechanisms, practices, and terminology of the market and the financial system - often called the "basket of goodies for corporations" - still prevails.

In this context, the state of California has been seeking to integrate other subnational programs into its Cap-and-Trade Program, which sold its first carbon allowance in 2013, and to introduce international sector-based offsets, mainly as REDD+ initiatives. It would be the first compliance-oriented program to allow regulated entities to purchase carbon credits from jurisdictional REDD+ programs in order to compensate for their own sectoral emissions. The proposal of REDD+ mechanisms - which involve public and private investment in the management, conservation, and increase of forest carbon stocks - is to remunerate those who keep their forests alive, without cutting them down, so as to prevent greenhouse gases associated to deforestation and forest degradation from being released.

Also around that time, in 2010, Acre - the state in the Brazilian Amazon known for the rubber tappers struggle, which was marked by the assassination of the movement's leader, Chico Mendes - created the *Sistema de Incentivos aos Serviços Ambientais* (SISA, or the Environmental Services Incentives

System, in English) with the goal of fostering the maintenance and expansion of the "supply of ecosystem services and products" in the state. The *Programa de Serviços Ambientais do Carbono* (ISA-Carbono, or the Environmental Services Program for Carbon) was the first of the six SISA programs created. Considered the most advanced REDD+ jurisdictional program on the planet, it was believed to have the potential of offering important lessons for other REDD+ and PES regimes around the world. In 2009, in Chiapas - a Mexican state that has a long history of social conflicts, which includes the widely known Zapatista movement - began to develop the Climate Change Action Program. The program was to give priority to the implementation of a REDD+ jurisdictional system. The state was already in the process of implementing REDD+ programs in the Lacandon Forest, a territory where indigenous groups such as the Choles, Tseltales and Tsotsiles lived and that had been awarded to the Lacandon Mayans by a presidential decree in 1978. The Law for Climate Change Mitigation and Adaptation in the State of Chiapas was approved in 2010. It incorporated REDD actions and the creation and use of PES systems promoted "voluntarily" by conservation organizations.

In November 2010, the governments of California, Acre, and Chiapas signed a Memorandum of Understanding (MOU) on Environmental Cooperation with the goal of creating a REDD+ carbon credit system between the three states. The system would allow REDD+ funding to be channeled into Acre and Chiapas, and emissions in the state of California to be compensated. Until now, this cooperation has not gone beyond discussions and the elaboration of publications. California's carbon trading program still does not allow its corporations to buy credits from emission reduction initiatives in Chiapas and Acre in order to offset their own emissions. However, this process could advance in 2017, along with other subnational proposals, both in Brazil and Mexico as well as in China and other countries. Errors from the past continue to be committed, concealed, and ignored.

There are many lessons to be learned from the cooperation efforts between California, Acre, and Chiapas and the impacts

1. REDD and REDD+ will be used interchangeably.



Otros Mundos - Friends of the Earth México.

of REDD in these states in relation to the international and national processes that are advancing towards what we call the commodification and financialization of nature. Friends of the Earth International (FOEI) groups in all three countries, as well as FoEI's Forest and Biodiversity Program are contesting this process, due to the key role it plays in establishing a precedent for policies on climate and biodiversity. The analysis in this report is based on research on secondary sources, interviews with members of organizations from the three countries and of the governments of California and Acre, and participation in activities with indigenous and peasant leaders.

The report begins with an analysis of the Memorandum itself: its origins, objectives, results, and the key players in this process. This is followed by a look into California's policy from the perspective of social groups in the US.

The third and fourth sections discuss the impacts of policies and REDD projects in Acre and Chiapas, respectively. Then, we share thoughts on what we have to learn from this cooperation effort, especially in relation to: the idea of participation; the incorporation of the values of indigenous and traditional peoples and gender, and the role of large conservation organizations; the building and implementation of safeguards; and some fundamental concepts and practices such as community, avoided deforestation, environmental services, and the idea of consensualism in climate change policies. We end by presenting recommendations that aim to guarantee the fulfillment of the human and environmental rights of the communities and peoples affected the most by climate change and the basic logic underlying REDD+ in the context of cooperation between California, Acre, and Chiapas.

2 MEMORANDUMS, TASK FORCES, AND COOPERATION: FOR THE CLIMATE OR THE MARKET?

The Memorandum of Understanding (MOU) on Environmental Cooperation between the states of Acre, Chiapas, and California was signed on November 16, 2010. In it, the parties affirmed that environmental problems are global in nature and confirmed the need for joint actions, especially REDD, opportunities for collaboration between the three states in combating climate change, and the importance of taking action at the sub-national level. The initiative was taken at the Governors Global Climate Summit 3 and led to the creation of the R-20: a global coalition of sub-national governments, private corporations, and non-governmental organizations. It was also the result of the Governors' Climate and Forests Task Force (GCT), which had been launched during the UNFCCC Conference of Parties (COP) in Poznan, Poland in December 2008 with the goal of creating a mechanism for cooperation between sub-national governments seeking to integrate REDD+ into the mandatory regimes in the United States, such as that of California, and elsewhere.

The task force is made up of members from 35 states and provinces from Brazil, Colombia, Indonesia, the Ivory Coast, Mexico, Nigeria, Peru, Spain, and the United States. Together, they represent more than 25% of tropical forests in the world and 75% of Brazil's. From Brazil, the states of Acre, Amapá, Amazonas, Maranhão, Mato Grosso, Pará, Rondônia, and Tocantins participate in the task force; California and Illinois from the US; and from Mexico: Chiapas, Campeche, Jalisco, Quintana Roo, Tabasco, and Yucatan. The states of Roraima (Brazil) and Oaxaca (Mexico) asked to participate as observers in 2016 (GCF, 2016).

The initiative is funded by the Gordon and Betty Moore Foundation, Norad, and the Climate and Land Use Alliance (CLUA); the latter is coordinated by the Ford, ClimateWorks, David and Lucile Packard, and the Gordon and Betty Moore foundations. Its partners include the Institute for the Conservation and Sustainable Development of Amazonas (IDESAM), the organization that promotes REDD+ in Brazil and coordinates the group of governors from Brazil; the Earth Innovation Institute, the former international program of the Brazilian organization IPAM (Instituto de *Pesquisa Amazônica*, or the Amazon Environmental Research Institute); and *Pronatura Sur*, a non-governmental organization that coordinates the group from Mexico.

As in the case of UNFCCC, differences exist among GCF members in terms of progress in adopting market mechanisms on climate and REDD+. California is one of the states that has

advanced the most in establishing emission reduction targets and creating a cap-and-trade system. Acre is the most advanced in terms of PES and REDD+ programs and structures. It was this difference in the capacity to implement these policies that led to the development of the MOU between California, Acre, and Chiapas. At the time it was signed, these states were the best prepared to engage in this type of cooperation. Initially focused on exchanging information and experiences, these cooperation efforts also sought to reach binding agreements.

Less than two weeks before COP-16, held in Cancun in December 2010, the REDD Offset Working Group (ROW) was created. The goal was to present recommendations on technical, legal, methodological, and institutional issues and mechanisms for linking Acre and Chiapas's jurisdictional REDD+ programs to California's cap-and-trade system.

Leaders of conservationist organizations such as the Environmental Defense Fund and the Earth Innovation Institute were part of the working group (WG), which also included observers from the governments of Acre, Chiapas, and California. The WG received two donations from CLUA for a total of US\$ 550,647.00 to carry out work over a three-year period. It produced a 70-page document entitled "The Row Report: Recommendations to conserve tropical rainforests, protect local communities and reduce state-wide greenhouse gas emissions". The report was launched in 2013.

According to the report, the initiative between the three states resulted in what they called frustration with the incapacity of the UNFCCC and national governments to develop the carbon market further by offering REDD-based carbon credits and emissions offsets. They believe that moving sub-national processes forward could help accelerate international negotiations - a decision that not only ignored the rights violations caused by the so-called "success stories" in the Amazon, but also proved to be a political mistake (ROW, 2013).

One of the main arguments of the ROW Report is its proposal to build jurisdictional REDD+ programs that involve not only specific projects, but rather nations, states or provinces, and that are based on a pay-for-results methodology².

2. Resources are provided once emission reductions have been confirmed.



Harvested timber, product of "sustainable forest management," on the side of the highway between Rio Branco and Xapuri, Acre, Brazil.

Photo: Amigos da Terra Brasil

Specific projects are "important laboratories of innovation" that should be brought under a broader political "umbrella" that aims to achieve "large-scale changes in the rural development model through policy alignment, institutional innovation, and through mechanisms for attracting private sector investors and project developers" (ROW, 2013, p. 4). This stance has increasingly been adopted by dominant players - governments, corporations and conservationist NGOs - after the conflicts generated by the projects were brought to light and intensified.

The authors of the report suggest that the following should be included in the scope of REDD+ schemes: deforestation and degradation, and enhancement of carbon stocks in the future; issues related to reference levels, additionality³ and partners' efforts to reduce emissions outside of the REDD+ program; and the establishment of a REDD+ architecture capable of defining regulations and responsible for issuing credits, registry, and monitoring, reporting and verification (MRV). Legal restrictions must also be taken into account in light of the dynamic nature of REDD+ legislation and agreements.

After the report's launch, discussions continued within the GCF. California is still in dialogue with the Government of Acre, where the carbon market is seen as an "efficient instrument for defending and guaranteeing reductions in greenhouse gas emissions and for promoting climate protection" (2015, p.12). It is also pursuing talks with Mexico on the "development and implementation of carbon pricing systems and other market instruments to combat climate change and promote REDD+" (2014, p.2).

These are political processes that take place outside of multilateral forums. They give priority to the logic of REDD over any other issue, approach or proposal, which reinforces the need for a global agreement on REDD+, or raises the possibility of advancing even without one. By doing so, they guarantee that the logic of the market is incorporated into the practices and discourse of each sub-national entity, thereby increasing its importance internationally and creating ways and language to overcome resistance and conceal the contradictions.

3. Planned activities need to argue their case, given the impossibility to prove that without the REDD+ program deforestation would not have been reduced.

3 CALIFORNIA'S CLIMATE POLICY AND REDD: IN THE STATE OR ABROAD?

The cap-and-trade system of the "sixth largest economy" in the world - the second largest, after the European scheme - is a key element in California's Global Warming Solutions Act, commonly known as Assembly Bill 32 (AB 32). AB 32 requires the state of California to reduce its GHG emissions to 1990 levels by 2020, that is, a 15% cut in relation to a "business as usual" scenario. The bill's creators believe that it puts the state in the lead of the transition towards a "sustainable, low carbon future" (CARB, 2016, p.1).

In addition to public resources, the policy is funded by a fee collected from the largest emitters (250), the Greenhouse Gas Reduction Fund, and market mechanisms including the cap-and-trade system.

The system puts a ceiling on the emissions (in 2013, 2% below projections for 2012; 2% in 2014, and 3% between 2015 and 2020) of approximately 450 entities responsible for 85% of California's emissions, and adopted alternative compliance mechanisms. It began to operate in 2013, with the electricity sector and industrial facilities emitting more than 25,000 MTCO_{2e} annually. In 2015, it incorporated transportation and distribution of gas and other fuels. In 2014, it was linked to the program in Quebec and is to be connected to that of Ontario, Canada in 2018. Allowances were distributed free-of-charge and offsets can be utilized for up to 8% of obligations and emission reductions of projects in the US (CARB, 2016).

In addition to domestic offsets, the system also considers the possibility of creating international offset credits issued by jurisdictional sector-based programs in "developing" countries.

The credits would be generated by REDD programs. These offsets could be used to cover up to 2% of an entity's obligations in the first two compliance periods (which is no longer possible) and 4% in the third period. According to the California Air Resources Board (CARB), the initiative is important given the relation between reducing tropical deforestation and rainfall patterns in California. Furthermore, it argues that it would lower program costs, demonstrate California's leadership capacity, benefit forest communities and biodiversity, and promote low-carbon rural development

in the states involved (CARB, 2013). In August 2016, changes to California's climate policy were suggested, but the insertion of international sector-based offset credits into sub-national REDD+ schemes did not get approved.

According to a IDESAM representative interviewed on October 6, 2016, this process did not advance as hoped. One of the main reasons is the impact of the economic crisis on California's capacity to implement the necessary actions. There were also fronts of resistance, such as the agricultural sector. As a "supplier of offset credits", the sector questioned the importation of a product that could be purchased at home by planting trees in the state, which would generate credits and jobs and stimulate the domestic economy.

Another resistance front mentioned as something that "ended up not being very important" was the accusations by "some indigenous leaders" of rights violations resulting from REDD programs in Chiapas and Acre. This incident was apparently resolved by establishing "dialogues" with other indigenous leaders. Although it is not possible to confirm which leaders participated in this dialogue, in 2013, a letter supporting the inclusion of REDD in California's policy was signed by eight indigenous chiefs from Latin America and Africa, alongside large corporations, international certification bodies, conservationist organizations, consultants, funders, and carbon corporations that profit from this market, such as CarbonCo LLC and VCS (which were denounced for their involvement in private REDD+ projects in Acre), Pacific Gas & Electric Company, Carbonfund.org, The Walt Disney Company, and Carbon-Plus Capital⁴.

The main initiative cited as a reference is the Suruí Forest Carbon Project in the Sete de Setembro Indigenous Territory in Rondônia in the Brazilian Amazon. It is the first REDD+ project carried out on indigenous land in Brazil, in partnership with the US-based organization Forest Trends (also present in Acre), the *Associação de Defesa Etnoambiental Kanindé* (Kanindé Association for Ethno-environmental Defense), the Amazon Conservation Team, the *Fundo Brasileiro para a Biodiversidade* (FUNBIO, or Brazilian Biodiversity Fund in

4. See: http://www.coderedd.org/letter-of-support/#.V_A1BSSYJrx



Sierra Pacific Industries holdings Northern California.

Photo: Battle Creek Alliance

English) and IDESAM. However, in February 2015, twelve leaders from the indigenous territory told the president of the Fundação Nacional do Índio (FUNAI, or National Indian Foundation) at the time that they wanted the project to be suspended. Their main arguments were: divisions in the community; failure to keep promises to improve the community's living conditions; the alienation of leaders and the centralization of representation of the indigenous people; and threats to various community members that opposed the project.

The inclusion (and transformation) of indigenous and traditional peoples' values in the construction of these policies is increasingly used as a strategy to guarantee support and legitimacy. One of the immediate effects of this is the creation of divisions and the generation or exacerbation of conflicts between and within indigenous organizations⁵.

According to an interview with an IDESAM representative, "the regulation of California's climate policy to include international REDD offsets is in quite an advanced phase and we hope that it will come into effect next year". In another interview, a representative of the CARB affirmed that even though REDD offset credits have not yet been regulated, they will be so in the next legislative session (interview on October 10, 2016). The primary jurisdictional system in question is that of Acre. The objective is to have this done in time for the offsets to be included in the program's third implementation period, between 2018 and 2020, with the possibility of extending them past 2020 (CARB, 2016).

For Friends of the Earth United States, experience shows that including any offset credits in California's climate policy does not address the structural causes of climate change and can generate negative impacts in other places. Specifically, the inclusion of REDD credits will mean that the historic and potential human and environmental rights violations that have resulted and may result from REDD systems in states such as Acre and Chiapas and the risks for California itself are being minimized or ignored.

Furthermore, methodological problems have been raised, but not resolved, since the inclusion of forests in the Kyoto Protocol's CDM was proposed in 1997. Leakage, for instance, is a problem that arises when the emissions avoided and/or reduced in one location lead to increases in emissions somewhere else; when double accounting occurs, when the emissions reduced or the credits sold are reported more than once; and when the reduction used to offset emissions is later reversed. Moreover, these problems are even greater in the current context where countries from both the North and the South have (voluntary) commitments to reducing emissions. In the case of double accounting, for example, if REDD offsets were to be included at the UNFCCC, Brazil could register its emission reductions - including sub-national initiatives - at the UNFCCC, while Acre sells REDD credits to California, which then registers the same credits as part of its own emission reductions.

CARB believes that these problems can be overcome by adopting jurisdictional REDD+ programs, instead of specific projects.

5. It is clear that the context is much more complex than a division between the groups in favor of REDD and those that oppose it. An entire range of opinions and positions exist between the two. We can give as examples the Indigenous REDD+ Initiative supported by the Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica (COICA, or the Coordination of Indigenous Organizations of the Amazon River Basin), formed by nine indigenous organizations, including the Coordenação das Organizações Indígenas da Amazônia Brasileira (COIAB, or the Coordination of Indigenous Organizations of the Brazilian Amazon). Even though they question the current REDD+ model, the indigenous REDD+ proposal adopts the logic of environmental services and the view that it is possible to regulate, monitor, control, and fund the process in a way that guarantees indigenous rights. On the other end, there is the Global Alliance of Indigenous Peoples and Local Communities on Climate Change against REDD+, for which REDD+ means "rapid enrichment through displacements, land grabbing, and the destruction of biodiversity".

This is even what ROW defended in a recent publication by some of its authors (Earth Innovation). They present proposals such as the creation of a "joint reserve account" of non-negotiable credits to serve as insurance in case of an unpredictable loss of the "carbon stock"; an insurance system; and the possibility of deducting emissions in the future, if necessary. Considerations on the need for its own system of safeguards or the adoption of the VCS or UNFCCC systems are also mentioned. Acre is already facing similar problems at the state level, even with a jurisdictional program. This demonstrates that such mechanisms are inadequate for dealing with known and unknown risks. According to researcher Jutta Kill, "for each solution, there is a contradiction; and several other contradictions appear" (interview, October 7, 2016).

What is more, Friends of the Earth United States questions the use of cap-and-trade as an environmental policy instrument based on the argument that it reduces costs.

The "market" does not encourage polluters to reduce their emissions. The state manipulates the market to favor the corporations that pollute the most and that find cheap ways to offset their emissions while they continue to pollute (FOE, 2016). The costs of compensation are passed on to consumers through hikes in energy prices, for example.

Despite the political will of the proponents of California's cap-and-trade program, there is growing opposition to the system and little chance for the attempts to introduce REDD+ of going beyond the establishment of a link with the state of Acre. In Acre, opposition, conflicts, and the difficulties of implementing a REDD+ system are also increasingly visible.



#YesCapNoTrade protest outside of Air Resources Board hearing,

Photo: Gary Hughes

4 A JURISDICTIONAL PROGRAM IN ACRE: PROBLEMS SOLVED OR ONLY MADE WORSE?

Acre's Environmental Services Incentives System (SISA) was created in 2010 to "promote the maintenance and expansion of the supply of ecosystem services and products" (ACRE, 2010, p.21). The environmental services identified are: sequestration, conservation, maintenance and increase of stocks; diminishing carbon flows; preservation of scenic beauty; conservation of socio-biodiversity; conservation of water and water services; climate regulation; valorization of culture and traditional knowledge on ecosystems; and soil conservation and improvement. Of the six programs related to each of these "services", the "ISA-Carbono" program was the first one implemented to meet the state government's voluntary emission reduction target.

In addition to resources from the BNDES Amazon Fund, among others, the Government of Acre received funding from the KfW German Development Bank via the REDD Early Movers Program for the initial phase of the institutionalization of the SISA, and the ISA-Carbono program in particular. This "first transaction of the KfW's REDD Early Movers program (REM) to pay for results in emission reduction" established a four-year commitment (2012-2016) for the amount of \$16 million euros, which was to be the equivalent of a reduction of 4 million tons of CO₂ emissions. An additional amount of \$9 million euros was transferred to the government in 2014 (REM, 2012, 2014).

According to civil society organizations from Acre, namely the *Conselho Indigenista Missionário* (CIMI, or Missionary Council for Indigenous Peoples), the *Federação do Povo Huni Kui do Acre* (Federation of the Huni Kui People of Acre), *Núcleo de Pesquisa Estado, Sociedade e Desenvolvimento na Amazônia Ocidental, da Universidade Federal do Acre* (Centre for Research on the State, Society, and Development in the Western Amazon Region at the Federal University of Acre), and the *Sindicato de Trabalhadores e Trabalhadoras Rurais de Xapuri* (Xapuri Rural Workers Union), an in-depth analysis of the SISA is required. More information is needed on its known and unknown effects on not only the territories, but also other state policies and society itself. In fact, the debate and reflections on this issue were not sufficiently broad, diverse, and of substance given that groups directly affected by the projects did not participate, except for some indigenous leaders close to the large organizations involved, such as WWF and Forest Trends.

Another concern is with SISA's relation to the laws and processes underway at the federal and international level. The impacts of these law and its actions on federal territories such as indigenous land, reserves and public forests indicate that actions are being imposed on territories and peoples that fall under the jurisdiction of the federal government. This would lead to an overlap of powers and bring the constitutionality of the law into question. Furthermore, there is fear that SISA would put an end to the small-scale extractivist culture if communities are prohibited from engaging in their traditional subsistence activities in the name of the fight against deforestation. There is also concern with the privatization of the environment, defined by the federal constitution as a good for public use, once the logic of buying and selling so-called environmental services sets in. What is more, SISA may be incompatible with national and international regulatory processes.

In November 2015, the Brazilian government approved Decree no. 8.576, which established the National REDD+ Committee, prohibiting the generation of carbon credits and the use of REDD+ results-based payments to meet mitigation commitments made by other countries in the framework of the UNFCCC - i.e., it banned offsets.

This does not mean that the Brazilian government is opposed to offsets and the carbon market approach. After all, CDM emerged from a proposal made by the Brazilian government in Paris to create a similar mechanism: the Sustainable Development Mechanism. According to Thelma Krug, the director of the Department of Policies against Deforestation at the Secretariat of Climate Change and Environmental Quality in the Brazilian Ministry of the Environment, the government is "against compensation for countries and corporations in the North, but not for our companies". She added that the government "is discussing the creation of our carbon market with the Finance Ministry" (oral statement, September 22, 2016). The parties involved in the California-Acre cooperation hope that the Brazilian government, widely denounced as a coup government, will alter its position. This would add yet another item to the list of setbacks and violence produced by this blow to democracy.

Returning to the case of Acre, the REM program, that is part of the cooperation with KfW, is cited as an example in the MOU between California, Acre, and Chiapas.



Community meeting at the Jaminawa indigenous school in the rural district of Sao Paulino in Sena Madureira, Acre, Brazil. Photo: Amigos da Terra Brasil

The agreement does not possess a link to the carbon market and requires the Verified Emission Reduction Units to be confirmed, validated, and registered. It is thus a results-based investment. However, we found contradictions in the methodology and the use of resources, which indicates that the shift to jurisdictional programs does not resolve the problems; instead, it makes them worse.

Some of the issues are related to the base line used for emission reductions. The Government of Acre adopted reference levels based on historical data: the average annual deforestation rate for the 1996-2005 period, which was 602 km², was used as a reference for the first phase of the ISA-Carbono Program (2006-2010), and the average annual rate of the 2001-2010 period for the program's second phase (2011-2020), which corresponded to 496 km². As such, KfW paid for emission reductions that had been achieved before the contract was signed in December 2012 and by employing measures that are unrelated to REDD. The Government of Acre only had to keep the annual deforestation rate below the average annual rate obtained between 2001 and 2010 throughout the duration of the contract to receive the resources. This period, however, includes a peak in deforestation activities in Acre - 728 km² - which occurred in 2004. After this peak, deforestation levels fell to a historical low of 167 km² in 2009. Therefore, as long as the annual deforestation rate remained below 496 km², the resources were guaranteed. In other words, deforestation could even increase and still result in REDD result-based payments under the REM program.

Another problem is related to the differences between the reference levels used by the state, on one hand, and the proponents of private projects, on the other. SISA's reference levels are historical, whereas in the case of the private projects, the levels are based on the calculation of estimates of deforestation rates in a future where the projects do not exist. Three of the projects sold carbon credits: the Purus project sold credits to FIFA to offset emissions from the 2014 World Cup, and the Valparaíso and Russas projects sold credits to the USAID-supported Stand-for-Trees initiative. This is why the government "sets aside" a reserve of 10%⁶ for private projects, whether they are registered with the SISA or not. An initial analysis of data shows that these 10% are not enough to cover the emission reductions reported by existing private projects. The sum of the private projects' reductions is greater than the total declared by the entire state of Acre in the context of the REM⁷. As a result, the 2013 year would have ended with a debit, even when one considers the reductions in the "reserve" set aside to cover the risks of leakage, reversals, and the private projects.

While a more thorough analysis of the data is required, we can affirm the likelihood of difficulties emerging in relation to emissions accounting. In any case, the Government of Acre does not have a system capable of monitoring the volume of REDD+ offset credits sold on the voluntary market.

One other problem identified is the fact that many of the funded activities do not address the structural causes of deforestation in the state.

6. More recent data mention 20%, but this percentage includes other risks as well, and not only private projects.

7. Information taken from technical reports and other documents sent by the Government of Acre to Plataforma Dhesca by mail in May 2016 in "response" to the report entitled "Economia Verde, Povos das Florestas e Territórios: violações de direitos no estado do Acre" (The Green Economy, Forest Peoples and Territories: rights violations in the state of Acre) by the Rapporteur on the Human Right to the Environment. Other sources include the IMC and VCS websites, the documents of private projects, and conversations with representatives of organizations in Acre and national ones such as WRM, especially Jutta Kill.

Among these activities, we find a soccer tournament and the Government of Acre's participation in COP-21. As for the activities designed to generate income for families who, for lack of other options, have been engaging in cattle raising on a small scale, not only do they result in the criminalization of the communities and end up obscuring the responsibility of large landowners, they also fail because they do not take into account the local context. The income generated is not enough to cover the families' subsistence needs. Fish tanks, for example, were so poorly constructed that they did not hold enough water for the fish to survive. Many of the seeds that were distributed to grow açai fruit were never used due to the lack of infrastructure for harvesting and processing, and people from Acre do not consume large amounts of this fruit. This was not taken into consideration.

Furthermore, private projects are still being implemented and are also generating conflict. The Fact-Finding and Advocacy Mission conducted by the *Rapporteur on the Human Right to the Environment of the Plataforma DHESCA* (Brazilian Platform of Economic, Social, Cultural and Environmental Human Rights) in 2013⁸ confirmed the negative effects on the communities involved in forest management (FM) and REDD projects.

The complaints reported by the communities affected by FM projects included: the absence of land titles; the reduction in the amount of area available for traditional subsistence activities; environmental impacts, such as the disappearance of game animals; accumulation of logging debris, which prevents rubber tappers from using the roads between the trees and from extracting latex; low wages and delays in payment to the communities; failure of organizations and state bodies to fulfill their promises to build health clinics and schools, provide transportation to schools, and legalize land tenure; the imposition of environmental restrictions on the community's use of fire, which is necessary for subsistence farming, and, paradoxically, insufficient monitoring of loggers' activities by environmental agencies, which encourages illegal logging outside of the program; problems with the certification by the Forest Stewardship Council (FSC); difficulties experienced by rubber tapper families when they want to leave the management projects; the "invasion" of people brought in from outside the communities by loggers, which affects the social dynamics in the community and fosters practices such as sexual exploitation of women and girls; and the lack of government support in relation to denunciations of irregularities in the forest management projects.

In the case of the REDD projects certified by VCS and the Climate, Community and Biodiversity Standard (CCBS), the following concerns among community members were noted: lack of understanding of the project; divisions in the community and escalation of conflicts and territorial insecurity; fear of engaging in subsistence activities due to the risk of being criminalized; minimal prospects of income increases, if any, for those who participate voluntarily in the project; suspicions about promises to legalize land tenure in exchange for support for the project; threats of expulsion, if an agreement is not reached; concerns with the individualization of the land legalization process (adoption of individual land titles); and lack of contracts in the hands of community and its members. The social actions proposed are the State's responsibility and constitutional rights of the people and therefore, they cannot be associated to, much less conditioned on the execution of the projects.

Experience in the area revealed that in their relations with the communities, the companies driving the projects manipulate information, falsify signatures on contracts, threaten farmers, put photographs of other communities in their reports to ensure that they will be certified, and adopt other strategies to secure territorial control and legitimize their proposals.

Moreover, there were more than just a few denunciations of state authorities' attempts to stop critical groups from engaging in political action. These tensions threaten the physical and psychological integrity of indigenous leaders and members of civil society organizations. One of these denunciations, for instance, was that the CIMI office was broken into and vandalized.

Despite all of this, the government evades its duty to guarantee the rights of the affected population, leaving them on their own to negotiate with the projects' proponents on an uneven playing field. The vulnerability of these peoples in relation to their territorial rights and living conditions allows the proponents to impose the projects as the only solution.

These reports reveal how unprepared the Government of Acre is to deal with the difficulties of implementing the SISA, the REDD+ private projects, and other green economy policies. The existence of a jurisdictional program does not stop specific projects from being executed and having negative impacts on the communities involved, nor that methodological and political problems emerge.

8. FURTADO, Fabrina; FAUSTINO, Cristiane. *Economia Verde, Povos das Florestas e Territórios: violações de direitos no estado do Acre*. 2015. Available at: http://www.plataformadh.org.br/files/2015/08/economia_verde_relatorio.pdf.

5 CHIAPAS AND THE "PIONEERING ACTIONS": EXPULSIONS, PRIVATIZATIONS AND INDEBTEDNESS

Rich in biodiversity, with 30% of the country's surface water and 47 natural protected areas covering 19.8% of the state, Mexico's eighth largest state is one of the areas being prioritized for REDD+ pioneering actions, implemented by sub-national governments even before an international agreement has been reached or a national strategy has been built⁹. In 2009, the state government launched the Climate Change Action Plan for Chiapas in the framework of the Law for Climate Change Adaptation and Mitigation (*ROW, 2015*). One of the pioneering initiatives is that of the Biological corridor and the Lacandon jungle, that was executed through the Sustainable Rural Development in Biological Corridors project. The area of intervention of this program is located in the Sierra Madre de Chiapas mountain range, with efforts aimed at ensuring the "sustainable use of natural resources through community forest management, restoration of forests and reforestation". The goal is to prepare Mexico for REDD+ (*ALIANZA MEXICOREDD, n/d, pp.16-18*).

According to the ROW Report, Chiapas was also chosen to participate in the MOU between California, Acre, and Chiapas because of its experience with participatory processes, indigenous rights, and legalization of land tenure.

Nonetheless, REDD is being denounced in the state of Chiapas and in Mexico in general for being responsible for the violation of the rights of indigenous and traditional peoples for whom agrarian issues are central. Territories seen as priorities for the country are being expropriated through the promotion of private property, and traditional skills, livelihoods and collective practices are being eliminated.

In many communities where experiences with what the Government of Mexico and the state of Chiapas prefer to call Payment for Environmental Services (PES) exist, the communities' expectations regarding income generation were not met. On the contrary, an elite group of landowners was created to attract resources for PES, which receive cash incentives, and those implementing collective practices of coexistence with forests were expelled from the area. These are policies, then, that cause conflict. In 2013, for example, members of one community registered with a PES system,

who were unaware of the ban on wood harvesting, were detained for engaging in this activity to guarantee their survival. The discourse on preservation and production is touted while small producers are being criminalized. 'Being productive' in this region means abandoning traditional practices, such as growing corn and beans, and substituting them with crops or plantations for agrofuel production (*RAMOS-GUILLEN, 2013*).

What is more, the real impacts on biodiversity do not fit the image that dominant players wish to show. The production of African oil palm monocultures fences out many communities, generates high returns for investors (generally foreigners), uses cheap labor, requires little inputs, and fosters the establishment of local autocratic chieftainships that endorse the State's role in social control. In general, the land belongs to peasants, who are also the ones that provide the labor. As they are not the owners of the production process, nor do they have control over the price offered, they end up abandoning their subsistence activities in order to meet the demands of the projects, and get caught up in a process that plunges them into debt, which often forces them off their land. Large-scale monocultures also lead to the destruction of large areas of the forest and, consequently, of the peasant and indigenous communities' biodiversity. Contrary to what is generally claimed, plantations are not forests.

Another consequence of this process is the increase in public debt, especially with the World Bank and the Inter-American Development Bank (IADB). In 2011, while the Government of Chiapas registered a deficit of MXN \$20 million (US\$1 million), it used MXN \$50 million (US\$2.6 million) of public funds to guarantee the REDD initiatives. At the national level, in 2013, data revealed that the Mexican government already owed more than US\$678 million to the World Bank and the IADB for REDD+ programs, plus an additional US\$57.25 million in international donations. However, the destination of these funds has not been revealed (*CONTRALINEA, 2013*).

The strategies used to legitimize this process are based on discourses promoting participation, the importance of the community's relationship with nature, gender equality, inclusion, and an end to poverty.

9. In addition to the states of Oaxaca, Jalisco, Chiapas, and the Yucatan Peninsula (the states of Yucatan, Campeche and Quintana Roo).

The state and the corporations take advantage of the population's situation of need and use the discourse on the fight against poverty to argue that the regions where implementing REDD and PES is a priority have the highest poverty rates and therefore, the programs are needed to guarantee development and inclusion. The objective seems to be to use environmental policies to create markets. We also noted that the logic of REDD allows them to seize control of the territories of traditional communities, thereby enabling corporate access to plants and animals that are being appropriated by the pharmaceutical industry (OTROS MUNDOS, 2015).

At the same time, the communities are blamed for deforestation, and their capacity to autonomously and collectively manage the territory according to their traditions is undermined. In addition to the territorial conflicts brought on by the REDD+ mechanisms themselves, the mechanisms

end up opening up the territory to the invasion of mining, logging and mega-projects, which, in turn, generates even more violence. In fact, what we are seeing is an intensification of the offensive on the territories through the creation and legitimization of a "territorial control clan" that involves conservation officers and supplying arms to the environmental police.

As in the case of Acre, large NGOs participate in the projects in Chiapas as intermediaries. This means that these organizations appropriate a large proportion of the economic benefits and reduce the communities' autonomy and control over the process (OTROS MUNDOS, 2015).

Despite the problems identified, experiences with REDD and PES are being expanded to other regions in Mexico with the support of the Government of California. Efforts are also being made to "start from scratch" in order to integrate all of the initiatives into the National REDD+ Strategy.



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6 FINAL CONSIDERATIONS: THE CLIMATE BUSINESS, THE BUSINESS CLIMATE

Through our analysis of the MOU between California, Acre and Chiapas, we attempt to demonstrate that the logic underlying REDD+ schemes does not address the structural causes of climate change or deforestation. On the contrary, it leads to and increases violations of human and environmental rights. The logic of REDD+ and the dominant discourse on climate change are built to guarantee the implementation of policies based on a market logic, which generate domination, exploitation, and expropriation. Structural issues such as historical inequalities are reduced to environmental issues, climate, CO² emissions and the numbers from mathematical models generated on mega-computers that lead us to believe that the market is the only solution. And when we talk about the market, we are not only referring to trade and financialization, but also the ways of thinking and guaranteeing control over territories and minds. In various spaces such as the GCF, players are seeking to legitimize policies that not only have negative impacts on the environment, territories, and the people, but also create another kind of nature: a 'climatized' nature designed to serve the interests of capital accumulation and its legitimization.

PARTICIPATION AND THE INCORPORATION OF INDIGENOUS AND TRADITIONAL PEOPLES' AND GENDER VALUES

One thing the initiatives discussed here have in common is the use of the discourse of participation. However, when we analyze who participated in the process, we find the group of conservationist organizations, many of which were responsible for creating the REDD concept: WWF, CI, TNC, Forest Trends, EDF, The Woods Hole Research Center, IDESAM, IUCN, etc. The spaces for participation that these organizations occupy do not incorporate criticisms, give the impression that there is inclusion, and end up becoming a tool for domination. They transform confrontation into collaboration, and establish partnerships between civil society and governments that replace popular participation, political confrontation, and concerns on structural issues.

In these processes, certain indigenous and traditional peoples' leaders and women's groups are invited to join the process, which has implications for their conceptualizations and territories.



Logs from a "sustainable forest management" timber harvest alongside the highway between Rio Branco and Xapuri in Acre, Brazil.

Photo: Amigos da Terra Brasil

Climate change discussions in particular, regard these peoples, their territories and "resources" as central. They are "recognized" for their contribution to biodiversity. However, the policies founded on white, male, Western scientific knowledge negate them and, at the same time, incorporate them into the new climate markets. Defining the environmental issue as a global problem common to all people turns these territories into territories "for all", in which environmental management mechanisms must be implemented in the name of the fight against climate change. Founded on a view that portrays nature as unruly or in need of protection, the policies promoting environmental services generate processes to gain control over indigenous and traditional peoples and women and their territories, and reproduce colonial and patriarchal relations. By defining the reduction of emissions from deforestation as one of the solutions to climate change that can offset industrial emissions, and by presenting these peoples as "protectors of the forest" and women as "more efficient", but who need technical support to "manage" their own territories, the REDD+ proposal is inserted into the very definition of the problem.

This leaves little room to question its risks and benefits and puts the people once again at a disadvantage in unequal relations and undoes the progress in recognizing autonomy and self-determination. Rubber tappers become "managers" and indigenous people, "agroforestry agents". This is precisely why one Jaminawa indigenous leader stated the following: "They often say we are ecologists. I am not an ecologist. I am Jaminawa and I will die Jaminawa. I defend life and what is important for life" (August 2016).

COMMUNITIES: DEFORESTATION AGENTS, CONSERVATIONISTS, OR SOCIAL GROUPS?

The discourse turns the communities - understood here as constructed social groups that share relations, culture, knowledge and ways of living in a territory- into providers of a service that, in order to be offered, must be identified and measured. This has impacts on their practices.

Defined as individual actors in negotiations and contracts, as if they were entities that were all born homogenous, the process reveals one problem in relation to participation. The structures and methodologies for participation and representation chosen by the project proponents - such as the lack or manipulation of information, individual treatment, and, the choice of individuals who are the closest to convince others - end up reinforcing local power structures or escalating conflicts. Different opinions are homogenized and the processes of coercion are concealed to get the community to come to a "decision" in favor of the project. This coercion can take the form of promises to adopt policies and create jobs, or straightforward threats. Threats range from affirming that everyone in the community has already agreed to the project to warnings that the community will lose its territory, or convincing them that the community is committing an environmental crime.

This last issue is related to the practice of defining the community as "deforestation agents" and then, after they join the project, as "conservationists", which they chose to be voluntarily. This puts the responsibility for the environmental problems on the community itself and conceals the role played by large landowners, oil and mining corporations (among other sectors), and the state.

While the community is defined as a service provider, the service that is to be purchased has also been defined in a measurable way: as "avoided deforestation". This is, then, a solution to a problem that has been framed in advance, without the participation of the communities, in a way that guarantees that it is perceived as the solution to the problem. Thus, the simplism of Western knowledge prevails, and what

a forest is, what the threats to biodiversity are, and what the underlying social relations are like have been defined so that this service is seen in opposition to the traditional views of indigenous peoples and/or family farmers. The process of quantifying and monetizing the issue eliminates the complexity of not only the concepts of biodiversity and forests, but also social groups' means of subsistence and way of life.

Therefore, commodification and financialization occur not only when a commodity - avoided emissions - that will be traded on the carbon market is created by suppliers and when this commodity, once it generates an asset, is launched on the financial market. They also occur when market relations are introduced into community relations. The market begins to play a more important role in the lives of the communities when, in this case, a price is attributed to the avoided emissions. The market society expands, then, into subject-environment relations in which the laws of the market subordinate, control and manage yet another fundamental aspect of society.

As a result, nature becomes a means to achieve an end: the accumulation of capital and its legitimization, this time grounded on conservation arguments. There is an effort to guarantee that peasants and indigenous peoples are removed from their land, or to force them to serve as wage labor so the owners can earn profits. These groups of people work to conserve nature in exchange for a wage, and the landowners and the state "sell" the commodity generated by this conservation work. Once they are no longer able to pursue their subsistence practices, indigenous peoples and men and women farmers will be forced to turn to the market. What should be a collective right becomes a private right and the traditional way of life is destroyed.

SOCIO-ENVIRONMENTAL SAFEGUARDS: SAFEGUARDING WHAT?

One of the criticisms of safeguards is that - as we have already discussed - the actions of large conservationist organizations can be instrumental to neoliberal States. Another element is the difficulty of ensuring compliance with safeguards in the territories and dealing with cases of non-compliance. Experiences in implementing safeguards related to REDD initiatives, such as those of the World Bank's Forest Carbon Partnership Facility and the Forestry Investment Program and of the United National REDD Program (UN-REDD) illustrate the safeguards' inability to guarantee respect for the rights of indigenous and traditional communities.

Based on the experiences in the territories, we can go one step further to argue that there are no enforceable REDD safeguards capable of guaranteeing the protection of the

rights of the forest peoples. They are merely consultative in nature and can be manipulated by corporations and governments. To obtain financing for REDD+ programs, a government can simply state that it is respecting the knowledge and rights of indigenous peoples. This is what we found in the cases of Acre and Chiapas where the projects and policies have a list of safeguards that the dominant players (the state, corporations, and certification organizations) repeatedly affirm to be respecting, but when we visited the territories, we found the opposite. The safeguards are merely an instrument of rhetoric and a way of neutralizing criticisms of REDD projects.

REDD+ PROJECTS OR PROGRAMS: THE PROBLEMS PERSIST...

In conclusion, it is important to highlight that the REDD+ approach did not come out of nowhere; it is the product of neoliberal and ecological modernization thought, according to which the market is the best equipped to solve environmental problems. Even when there are no links to a market instrument, the logic of the market is imposed and prevails, transmitting certain ideas on society and the relation between the subject and the environment. "Nature" is presented as an entity that is separate from the subject and the social relations that interact with it, and dissolved into the form of products and services. A new kind of "nature" is created, which transforms subjectivities, identities and social practices to redirect them towards the reproduction and legitimization of capitalist development. Therefore, whether dealing with specific REDD projects or with jurisdictional programs, the problems persist and are often aggravated.

These proposals are generally implemented based on a discourse that portrays climate change as everybody's problem, a universal problem that demands consensus. This depoliticizes the issue and conceals the conflicts between economic and social interests over the appropriation and use of the environment and the territories. The focus on CO₂ emissions and on proposals to avoid emissions and move towards low-carbon economies frame the climate change problem as something external. This leads to the fetishism of CO₂ --the great enemy of our time, which is external to society-- and promotes the view that the problem does not lie within the capitalist system, nor power relations. As an enemy that is external to society, the cure for the problem can come from inside the system.

Therefore, in light of the process of cooperation between California, Acre, and Chiapas, and what is happening in each of these locations in regards to REDD and the carbon market and their relation to other national and international processes,

we need to interrogate ourselves about and question the kind of society that is being created in the name of the "fight against deforestation" and "the fight against climate change". Are these proposals flexibilization mechanisms, as they are touted, or are they really mechanisms of domination, exploitation, and expropriation? As we are seeing an escalation of the conflicts and an increase in inequality due to REDD+ projects and policies, not only must we fight for the rights of the peoples living in these territories, but also against the attempt to eliminate the possibility of other alternatives from our imaginary.

RECOMMENDATIONS

Considering that the Memorandum of Understanding between California, Acre, and Chiapas is founded on and legitimized by the logic of REDD+, the recommendations below seek to go beyond the MOU, which is one of many processes that increase environmental injustice, historical debts, and the privatization of the commons.

- › Given that extractivist capitalism - especially fossil fuel production and consumption, but also mining, large infrastructure projects (such as hydroelectric dams), and agribusiness - is the main cause of environmental conflicts and climate change in the world, politics must be democratized and the transformation of the mode of production and consumption based on a human and environmental rights approach should be promoted.
- › In view of the existence of Convention 169 of the International Labor Organization (ILO), we recommend that all policies and projects be elaborated in compliance with the requirement to hold consultations that are truly prior, free and informed, with the use of appropriate methodologies to that end, so as to ensure different opinions can be expressed and veto power is guaranteed.
- › Mechanisms such as carbon markets, payments for environmental services, carbon pricing or the "valuation of natural capital", and the offsets approach should be excluded from environmental policies.
- › Mechanisms should be established to ensure effective dialogue with organizations, social movements and communities that denounce the impacts and problems related to the carbon market and REDD+, and to guarantee the right to express criticisms. Mechanisms to expose conflicts should also be adopted.
- › Countries should adopt as their political priority the legalization of traditional and peasant communities' land tenure of their territories, the demarcation of indigenous land, and the fight against the privatization of land.

› Respect and promote the rights of the peoples whose territories have already been legally recognized. These peoples are not the cause of environmental problems and therefore, they should not be held responsible as "deforestation agents", nor used as "guardians of the forest" to be then taught to manage their own territories based on an external, colonialist logic rooted in unequal power relations. The right to autonomy and self-determination must be preserved, respected, and promoted.

› Guarantee that organizations, groups, and leaders who denounce the problems related to climate policies, the carbon market, and REDD+ will not be criminalized, and an end to the impunity of those who commit this kind of violence.

› Funding institutions must abstain from financing projects, programs, and policies that have been denounced by affected communities and that are often being investigated by the competent authorities in each country.

› Countries must abstain from engaging in processes of cooperation related to REDD when these schemes are being denounced by various organizations, movements, and communities.

› There should be a process for denouncing the organizations that provide certification for carbon projects and policies, especially VCS and CCBA.

We believe that the most effective way to combat climate change and environmental conflicts is by truly tackling their structural causes, going thus beyond the logic of offsets and the right to pollute, emit, degrade and deforest, and by respecting and promoting the rights of peasant communities and traditional and indigenous peoples. Climate change must not be "a convenient excuse for a variety of social sins" (SMITH, 2008, p. 244, our translation). We must redefine the issue and reintroduce into our imaginaries the possibility of adopting different policies and values, and the idea that the practices that already exist, but have been delegitimized or described as "backwards", are ones that we still have a lot to learn from and therefore, must be valued, strengthened, and promoted.

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REDD+

THE CARBON MARKET AND CALIFORNIA-ACRE-CHIAPAS COOPERATION:

LEGALIZING MECHANISMS OF DISPOSSESSION



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